

1 KAREN S. FRANK (No. 130887)
Email: kfrank@howardrice.com
2 SARAH M. KING (No. 189621)
Email: sking@howardrice.com
3 HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
4 A Professional Corporation
Three Embarcadero Center, 7th Floor
5 San Francisco, California 94111-4024
Telephone: 415/434-1600
6 Facsimile: 415/217-5910

7 Attorneys for Plaintiffs
BROADCAST MUSIC, INC. et al.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 BROADCAST MUSIC, INC. et al,
13 Plaintiffs,

14 v.

15 G&M GAME CORPORATION, KRAZY
16 KOYOTE BAR & GRILL, GEORGE D.
HEADLEY and MARCOS ANTHONY
17 HEADLEY, each individually,

18 Defendants.

No. C07-02453 CRB

Action Filed May 8, 2007

JOINT REQUEST FOR STAY OF
PROCEEDINGS

19 **JOINT STIPULATION FOR STAY OF PROCEEDINGS**

20 All parties to this action jointly request that the Court enter an order staying all further
21 proceedings in the litigation. Plaintiffs and Defendants have settled this matter in principle.
22 Based on this settlement in principle, further litigation could become unnecessary within a
23 relatively short period of time. In order to avoid the burden and potentially unnecessary
24 expense of litigating this action while settlement terms are finalized and performed, and in
25 order to avoid the potentially needless commitment of judicial resources to this action, the
26 parties hereby jointly request that this Court stay all proceedings in this action.

27 Plaintiffs BROADCAST MUSIC, INC. ("BMI") filed a complaint in this Court
28

1 alleging federal copyright infringement against Defendants G&M Game Corporation, Krazy
2 Koyote, George D. Headley and Marcos Anthony Headley. The parties have settled the
3 matter in principle and entered into a Settlement Agreement and Release (the "Settlement
4 Agreement"). Pursuant to the Settlement Agreement, Defendants are to pay BMI a
5 settlement amount, due and payable over time. An initial settlement payment (the "Initial
6 Settlement Payment") is due and payable no later than February 28, 2008, with the
7 remaining settlement payments due over a 12-month period. The parties have agreed to a
8 Stipulated Consent Judgment, to be submitted to the Court for entry should Defendants
9 default on any one of the subsequent settlement payments.

10 The parties have agreed that, once BMI receives the Initial Settlement Payment and
11 such Payment clears, BMI will dismiss the action, requesting that the Court retain
12 jurisdiction solely for the purpose of entering the Stipulated Consent Judgment, should it be
13 filed.

14 The parties therefore jointly request that the Court enter its order staying all further
15 proceedings in this action, pending BMI's receipt and the clearance of the Initial Settlement

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28

1 Payment. If the Court wishes to include a provision in the order requiring the periodic filing
2 of a status report, BMI will be pleased to provide any such required reports.

3 DATED: January 30, 2008.

4 Respectfully,

5 KAREN S. FRANK
6 SARAH M. KING
7 HOWARD, RICE, NEMEROVSKI, CANADY,
FALK & RABKIN
A Professional Corporation

8 By: Karen Frank
9 KAREN S. FRANK

10 Attorneys for Plaintiffs BROADCAST MUSIC,
INC. et al.

11 DATED: January 30, 2008.

12 JEFFREY E. ELLIOTT

13 By: Jeffrey E. Elliott
14 JEFFREY E. ELLIOTT

15 Attorneys for Defendants G&M GAME
16 CORPORATION, KRAZY KOYOTE BAR &
17 GRILL, GEORGE D. HEADLEY and MARCOS
ANTHONY HEADLEY

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

18 [proposed] ORDER STAYING ALL FURTHER PROCEEDINGS:

19 GOOD CAUSE APPEARING, and pursuant to a joint request by all parties for entry
20 of this order, all further proceedings in this action are stayed. Any party may apply for relief
21 from this stay at any time for good cause. [Plaintiff is directed to file with this court and
22 serve upon all other parties to this action a status report every ____ days informing the court
23 of any events relevant to the continuing prosecution of this action.]

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: _____

26
27 _____
28 THE HON. CHARLES M. BREYER
DISTRICT COURT JUDGE

1 **PROOF OF SERVICE**

2 I, Virginia Chabre, declare:


3 I am a resident of the State of California and over the age of eighteen years and not a
 4 party to the within-entitled action; my business address is Three Embarcadero Center,
 5 Seventh Floor, San Francisco, California 94111-4024. On January 31, 2008, I served the
 following document(s) described as **JOINT REQUEST FOR STAY OF**
PROCEEDINGS:

- 6 ☒ by transmitting via facsimile the document(s) listed above to the fax
 7 number(s) set forth below on this date before 5:00 p.m.
- 8 ☒ by placing the document(s) listed above in a sealed envelope with postage
 9 thereon fully prepaid, in the United States mail at San Francisco, California
 addressed as set forth below.
- 10 ☐ by transmitting via email the document(s) listed above to the email address(es)
 11 set forth below on this date before 5:00 p.m.
- 12 ☐ by placing the document(s) listed above in a sealed Federal Express envelope
 13 and affixing a pre-paid air bill, and causing the envelope to be delivered to a
 Federal Express agent for delivery.
- 14 ☐ by personally delivering the document(s) listed above to the person(s) at the
 15 address(es) set forth below.

16 Jeffrey E. Elliot
 28 North First Street, Suite 500
 17 San Jose, CA 95112-2440
 Fax No: 408.971.2788

18 I am readily familiar with the firm's practice of collection and processing
 19 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
 20 Service on that same day with postage thereon fully prepaid in the ordinary course of
 21 business. I am aware that on motion of the party served, service is presumed invalid if
 postal cancellation date or postage meter date is more than one day after date of deposit for
 mailing in affidavit.

22 I declare under penalty of perjury under the laws of the United States that the foregoing
 23 is true and correct. Executed at San Francisco, California on January 31, 2008.

24 
 25 _____
 Virginia Chabre

26
 27
 28 **PROOF OF SERVICE**